

PROB 12C
(7/93)

Report Date: February 22, 2010
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

FEB 25 2010

**JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Thomas McClelean Callaway Case Number: 2:02CR06044-001
Address of Offender:
Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: 3/18/2003
Original Offense: Possession of a Firearm in Furtherance of Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)
Original Sentence: Prison - 78 Months; TSR - 36 Months Type of Supervision: Supervised Release
Asst. U.S. Attorney: Gregory M. Shogren Date Supervision Commenced: 10/13/2009
Defense Attorney: Diane Hehir Date Supervision Expires: 7/12/2014

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

- | <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--|
| 1 | <p><u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.</p> <p><u>Supporting Evidence:</u> On November 25, 2009, Thomas McClelean Callaway was charged with Bail Jumping, Benton County District Court, docket no. K9Y000563. Mr. Callaway was charged with this offense by the Benton County Prosecutor's Office after he failed to appear on another pending case.</p> |
| 2 | <p><u>Standard Condition # 2:</u> The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.</p> <p><u>Supporting Evidence:</u> Thomas McClelean Callaway failed to report to the United States Probation Office on January 5, 2010, and February 2, 2010, as required by this officer. The defendant has failed to submit a monthly supervision report for either of these two months.</p> |
| 3 | <p><u>Special Condition # 15:</u> You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.</p> |

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Supporting Evidence: Mr. Callaway is currently in non-compliance with his intensive out-patient treatment after he has failed to attend treatment since January 6, 2010.

- 4 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Thomas McClelean Callaway failed to submit to urine drug testing on seven occasions since January 4, 2010.

- 5 **Standard Condition # 2:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Thomas McClelean Callaway failed to report to the U.S. Probation Office on February 18, 2010, as instructed by this officer.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 24, 2010

s/Curtis G. Hare

Curtis G. Hare
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


Signature of Judicial Officer

2/25/10
Date